

BOARD OF SELECTMEN

Minutes of the Meeting of 2 December 2009. The meeting took place in the Court Room, Town and County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, Allen Reinhard, and Patricia Roggeveen. Chairman Kopko called the meeting to order at 6:04 PM.

ANNOUNCEMENTS

A women's monument dedication ceremony at the Founders Burial Ground will be held Sunday, 6 December 2009 at 2:00 PM, in recognition of the 350th anniversary of the settlement of the Town of Nantucket.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Minutes of 6 May 2009 at 6:00 PM; 7 May 2009 at 9:00 AM; 7 May 2009 at 1:00 PM; 13 May 2009 at 6:00 PM. The minutes of 6 May 2009 at 6:00 PM; 7 May 2009 at 9:00 AM; 7 May 2009 at 1:00 PM; and 13 May 2009 at 6:00 PM were approved by the unanimous consent of the meeting.

Approval of Payroll Warrants for Weeks Ending 22 November 2009; 29 November 2009. The payroll warrants for the weeks ending 22 November 2009 and 29 November 2009 were approved by the unanimous consent of the meeting.

Approval of Treasury Warrants for 25 November 2009; 2 December 2009 and Pending Contracts for 2 December 2009. Planning Director Andrew Vorce requested that an energy technical assistance grant be added to pending contracts for approval and briefly reviewed the grant. The treasury warrants for 25 November 2009 and 2 December 2009 and pending contracts for 2 December 2009 including the item from Mr. Vorce were approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

Our Island Home: Request for Use of Pauline Smith Freeman Trust Fund for Upgraded Server Purchase. Our Island Home Administrator Pamela Meriam spoke in favor of the request and reviewed the allowable uses of the Pauline Smith Freeman Trust. Mr. Reinhard moved to approve the use of the Pauline Smith Freeman Trust Fund for an upgraded server purchase; seconded by Ms. Roggeveen. All in favor, so voted.

Roads and Right of Way Committee: Request for Acceptance of Additional Gifts totaling \$1,893 in Connection with Founders Burial Ground Women's Monument. Allen Reinhard, representing the Roads and Right of Way Committee, spoke in favor of the request. Town Clerk Catherine Flanagan Stover, who led the fundraising initiative, said the group has thus far raised \$9,400 of its \$10,000 goal. Mr. Reinhard moved to approve the gifts totaling \$1,893 for the Women's Monument; seconded by Ms. Roggeveen. All in favor, so voted.

Request for Award of Surplus Parcels in Connection with "Yard Sale" Program. Mr. Vorce reviewed various surplus parcels to be awarded, noting the Clifford Street bid came in above the appraised

value. Chairman Kopko said the Board needs to develop a policy on how to use funds from the sale of surplus property. Mr. Reinhard read the motion to award various parcels on West Tristram Avenue (attached); seconded by Ms. Roggeveen. All in favor, so voted. Mr. Reinhard read the motion to award 34 Nobadeer Avenue (attached); seconded by Mr. Atherton. All in favor, so voted. Mr. Reinhard read the motion to award 6 Clifford Street (attached); seconded by Ms. Roggeveen. All in favor, so voted.

Resignation/Appointment: Nantucket Agricultural Commission. Mr. Reinhard moved to accept the resignation of Heather Coffin from the Agricultural Commission and send her a letter of thanks for her service, and to appoint Dylan Wallace to fill the vacancy; seconded by Mr. Atherton. All in favor, so voted.

TOWN MANAGER'S REPORT

Town Administration FY 2011 Budget Recommendations. Town Manager C. Elizabeth Gibson presented the FY 2011 budget and reviewed options for reducing the projected municipal budget gap for FY 2011. Mr. Atherton asked that the Board be able to review the presentation for a week and to discuss the information at the 9 December 2009 Board meeting. A discussion among Board members followed. Mr. Atherton said he would like to see projections further out than one year and that the impacts of the projections need to be identified. Ms. Gibson noted the budget discussion will continue throughout December and into January 2010.

Solid Waste Enterprise Fund Elimination Review. Mr. Chadwick said he feels eliminating the Solid Waste Enterprise Fund (SWEF) budget should not be discussed at this time as it does not affect the current budget development. A discussion among Board members followed on whether or not to continue the discussion. Mr. Reinhard moved to hear the information compiled to date by the Town Manager; seconded by Mr. Atherton. So voted 3-2. Ms. Roggeveen and Mr. Chadwick were opposed. Finance Director Connie Voges reviewed the pros and cons of eliminating the SWEF from an enterprise fund to being part of the General Fund, noting there is no difference financially where the SWEF costs are located; however, she said there is an effect on transparency and consistency if the SWEF is moved into the General Fund. Ms. Voges then reviewed various accounting standards and associations regarding best practices, and said that the Town's auditors have stated the Town's SWEF is appropriately structured. Ms. Voges concluded her review by saying Town Management's recommendation is to keep the SWEF as an enterprise fund. A discussion among Board members followed on the information presented by Ms. Voges. Chairman Kopko said his main concern is that the landfill is as much of an essential service of the Town as the Fire and Police Departments. Ms. Voges concurred but added that that doesn't change with eliminating the SWEF.

SELECTMEN'S REPORTS/COMMENT

Discussion Regarding Nantucket Human Services Center, Inc. Lease of Town-owned Property. Chairman Kopko briefly discussed the background of the Nantucket Human Services Center, Inc. (NHSC), noting a Town Meeting vote authorized using Town land for the NHSC and that it is made up of two components: a human services center and housing. He said the Board met in executive session with the proponents of the project and questions about the NHSC business plan arose. Chairman Kopko noted the Board's confusion over communication received by the NHSC as to whether or not it now intends to proceed with the human services center. NHSC President Georgia Snell said the intent is to build a human services center but her Board is in a "catch-22" as it needs

site control to start fundraising but it seems the Selectmen are requiring fundraising before allowing site control. A discussion followed among the Board members and Ms. Snell on the Board's expectations. Ms. Roggeveen said she feels the Board is in a closer place to authorizing a lease with the NHSC but stipulations and conditions should be incorporated into the lease to allow for the Town to continue having some site control. Chairman Kopko asked the Board to assign members to meet with NHSC representatives to discuss the terms of a lease in the next week to ten days. Mr. Atherton moved to authorize the Board chair and vice-chair to meet with representatives of the NHSC to work on the details of a lease with the intent being to sign a lease with the NHSC by 15 January 2010; Mr. Chadwick seconded. All in favor, so voted.

Discussion Regarding Nantucket Hunting Association Lease of Town-owned Property. Nantucket Hunting Association (NHA) President Steve Holdgate said he had sent the Board a summary of proposed terms of the revised ground lease the NHA drafted in August 2009, noting he has been waiting on feedback from the Board subgroup. Mr. Reinhard reviewed background information regarding the original ground lease, the extensions granted since December 2008, and said he feels the NHA could have been up and running if it had agreed to limit the shooting range to four acres with no skeet or trap range. He said the Board did vote to reduce the acreage to 27 acres and his understanding is that the NHA is working with the Massachusetts Natural Heritage Program on endangered species mitigation. Mr. Holdgate clarified some comments made by Mr. Reinhard and discussion occurred as to the status of the mitigation. Mr. Reinhard said he reviewed the NHA's revised ground lease draft and asked how the Town should deal with expected noise complaints. Town Counsel Paul DeRensis said noise should be addressed by the Town as the landowner in the lease, and noted a new lease template has been developed by Town Counsel and that the Board should not consider the NHA proposed lease, or the one proposed by the abutters, until the Board has reviewed the template which should be available by week's end. Mr. Holdgate said the NHA is willing to work with the Town to make the ground lease a workable, flexible document that can be changed or amended as need be. The Board consensus is to have Town Counsel forward the new lease template as soon as it is available to its subgroup and to have the subgroup work with the NHA to come to agreement on lease terms. Attorney Kevin Dale, representing the Wigwam Road neighbors, said he feels the NHA should formally apply to Natural Heritage with or without a lease in hand, and suggested the NHA build an enclosed rifle and pistol facility and allow the hours of operation to expand to produce revenue, and to make exceptions for the Police Department for outdoor training and black powder users. He said a second option would be to build an enclosed facility and still have trap shooting. Attorney Dale suggested a revised lease have a "drop dead date" for the NHA to obtain all necessary permits and offered "friendly" suggestions to the lease language. Nantucket Conservation Foundation Executive Director Jim Lentowski said Natural Heritage endangered species mitigation requires a permanent conservation restriction which calls for permanent land management. Nantucket Land Council Executive Director Cormac Collier said that he fears the NHA cannot carry the costs resulting from a Natural Heritage permit.

On a matter unrelated to the Nantucket Hunting Association, Chairman Kopko asked the Board to ratify a vote taken by the Board at its 30 November 2009 executive session meeting. He said an issue arose regarding Sherburne Commons, concerning money due to the Town in the future relative to sewer privilege fees. Mr. Reinhard moved to ratify the 30 November 2009 Board vote to accept a negotiated option for Sherburne commons sewer privilege fees to be paid as 10% down

with the balance payable over 20 years with 4% interest annually; Mr. Chadwick seconded. All in favor, so voted.

Committee Reports. Ms. Roggeveen noted the Tick-Borne Disease Committee report has been submitted to the Board, is available on the Town's website, and will be discussed by the Board of Health at its 9 December 2009 meeting. Mr. Reinhard said the Roads and Right of Way Committee has had ten of the first twelve public way markers installed and is in the process of developing a list of additional marker locations. Chairman Kopko said the Human Services Collaborative Work Group met on 30 November 2009 and Council for Human Services Coordinator Maryanne Worth made a presentation on the Human Services department.

Ms. Gibson said a sewer rate model workshop has been scheduled for Wednesday, 9 December 2009 at 10:00 AM.

Chairman Kopko expressed his hope that the Nantucket Hunting Association will share in the cost of the Town's legal expenses relating to the shooting range.

The meeting was unanimously adjourned at 9:07 PM.

Approved the 30th day of December, 2009.

Nantucket Yard Sale Program
RFP Award of Surplus Parcels

RFP RESULTS: West Tristram Avenue

Surplus Property	Proposer Ranking	Proposer (Current Property Address)	Price	Attorney Representative
West Tristram Avenue	N2	Glenn & Virginia DeSimone	\$5,000	Arthur Reade, Jr Reade, Gullicksen, Hanley & Gifford
West Tristram Avenue	O	Beachside Property, LLC	\$5,000	Kenneth P. Kreider Keating Muething & Klekamp
West Tristram Avenue	P	Beachside Property, LLC	\$5,000	Kenneth P. Kreider Keating Muething & Klekamp
West Tristram Avenue	Q1	W. Lloyd & Deidre Snyder	\$5,000	Emily Avery Philbrick & Avery
West Tristram Avenue	R1	Daniel Doherty 45 Eel Point Road, LLC	\$5,000	Kenneth A. Gullicksen Reade, Gullicksen, Hanley & Gifford
West Tristram Avenue	S1	Daniel Doherty 45 Eel Point Road, LLC	\$5,000	Kenneth A. Gullicksen Reade, Gullicksen, Hanley & Gifford
West Tristram Avenue	T1	Jack & Jeffrey Kindler, Beth S Lloyd-Thomas	\$5,000	Emily Avery Philbrick & Avery
West Tristram Avenue	U1	Gregory & Catherine Crockett	\$5,010	Richard Glidden Glidden & Glidden
West Tristram Avenue	X	NO BIDDER		
West Tristram Avenue	Y	Jerome & Karen Johnston	\$2,501	Arthur Reade, Jr Reade, Gullicksen, Hanley & Gifford
West Tristram Avenue	Z	Jerome & Karen Johnston	\$2,501	Arthur Reade, Jr Reade, Gullicksen, Hanley & Gifford

MOTION:

Having complied with the requirements of M.G.L. c. 30B §16 and pursuant to an affirmative vote on Article 118 of the 2009 Annual Town Meeting regarding the Nantucket Yard Sale Program, I hereby move that the following Town-owned surplus properties be sold to the following proposers who were determined to be the most advantageous:

- Portions of West Tristram Avenue Map 32 Parcel 46 a 7,772 sq ft parcel also known as Parcel N2 be sold to **Glenn & Virginia DeSimone** for \$5,000
- Portions of West Tristram Avenue Map 32 Parcel 48 a 5,940 sq ft parcel also known as Parcel O be sold to **Beachside Property, LLC** for \$5,000
- Portions of West Tristram Avenue Map 32 Parcel 49 a 5,940 sq ft parcel also known as Parcel P be sold to **Beachside Property, LLC** for \$5,000
- Portions of West Tristram Avenue Map 32 Parcel 50 a 18,027 sq ft parcel also known as Parcel Q1 be sold to **W. Lloyd & Deidre Snyder** for \$5,000

- Portions of West Tristram Avenue Map 32 Parcel 23 a 12,416 sq ft parcel also known as Parcel R1 be sold to **45 Eel Point Road, LLC** for \$5,000
- Portions of West Tristram Avenue Map 32 Parcel 22 a 10,874 sq ft parcel also known as Parcel S1 be sold to **45 Eel Point Road, LLC** for \$5,000
- Portions of West Tristram Avenue Map 32 Parcel 21 a 14,157 sq ft parcel also known as Parcel T1 be sold to **Jack & Jeffrey Kindler, Beth S Lloyd-Thomas** for \$5,000
- Portions of West Tristram Avenue Map 32 Parcel 60 a 5,873 sq ft parcel also known as Parcel U1 be sold to **Gregory & Catherine Crockett** for \$5,010
- Portions of West Tristram Avenue Map 32 Parcel 55.1 a 4,705 sq ft parcel also known as Parcel Y be sold to **Jerome & Karen Johnston** for \$2,501
- Portions of West Tristram Avenue Map 31 Parcel 2 a 3,256 sq ft parcel also known as Parcel Z be sold to **Jerome & Karen Johnston** for \$2,501

Nantucket Yard Sale Program
RFP Award of Surplus Parcels

RFP RESULTS: 34 Nobadeer Avenue

Surplus Property	Proposer Ranking	Proposer (Current Property Address)	Price
34 Nobadeer Avenue	Joint Proposal	Dennis W. Brush, Trustee of Cros Parantoux Trust	\$50,000
		Surfside Nantucket Partners LP Charles C. III & Alison K Townsend	

MOTION:

Having complied with the requirements of M.G.L. c. 30B and pursuant to an affirmative vote on Article 85 of the 2009 Annual Town Meeting regarding the Nantucket Yard Sale Program, I hereby move that the following Town-owned surplus properties be sold to the following proposers who were determined to be the most advantageous:

- 34 Nobadeer Avenue, Map 88 Parcel 2 a 5,000 sq ft parcel identified in Plan Book 81 page 426 to be sold to Dennis W. Brush, Trustee of Cros Parantoux Trust & Surfside Nantucket Partners LP Charles C. III & Alison K Townsend for \$50,000.

**Nantucket Yard Sale Program
RFP Award of Surplus Parcels**

RFP RESULTS: 6 Clifford Street

Surplus Property	Proposer Ranking	Proposer (Current Property Address)	Price
6 Clifford Street		Surfside Nantucket Partners LP Charles C. III & Alison K Townsend	801,000

MOTION:

Having complied with the requirements of M.G.L. c. 30B and pursuant to an affirmative vote on Article 90 of the 2009 Annual Town Meeting regarding the Nantucket Yard Sale Program, I hereby move that the following Town-owned surplus properties be sold to the following proposers who were determined to be the most advantageous:

- Map 79 Parcel 20 a 20,000± square foot parcel identified as Book 81 Parcel 535 to be sold to **Surfside Nantucket Partners LP, Charles C. III & Alison K Townsend** for \$801,000.